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U.S. Department of Justice

United States Attorney
Southern District of New York

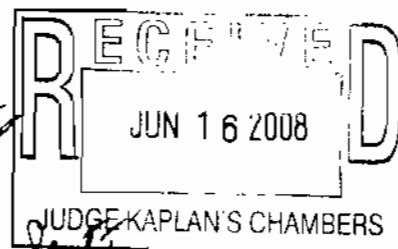
86 Chambers Street
New York, New York 10007

June 13, 2008

BY HAND

Honorable Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

*Application granted
so ordered.
6/18/08 [Signature] 6/18/08
U.S.D.S. [Signature]*



Re: NRDC et al. v. United States Environmental Protection Agency,
08 Civ. 1082 (LAK)

Dear Judge Kaplan:

I write respectfully on behalf of the defendant, the United States Environmental Protection Agency ("EPA"), in the above-referenced case brought under the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ("FOIA"), to request an extension of several deadlines contained in the Court-endorsed "Joint Scheduling Conference Report and Proposed Schedule" (the "Schedule").

According to the Schedule, the EPA is to complete a 10% sample Vaughn index by June 23 and to complete its review of an additional 2000 documents by July 20. (See Schedule at p. 3, paras. 1c and 2d). It now appears that the EPA will not be able to meet these deadlines and will require a brief extension of approximately 10 to 14 days of these two deadlines, until July 3 and August 4, respectively.

In addition, according to the Schedule, the EPA was to have completed its review of approximately 2100 documents by May 23. (See Schedule at p. 3, para. 1a). While it did do so, there were approximately 250 documents in this group concerning the interests of other Executive Branch agencies, and the EPA delayed production of non-exempt documents pending consultation with those other agencies. See generally 40 C.F.R. § 2.103 (EPA required to "consult with the Federal agency where the record or portion thereof originated"). Earlier this week, the EPA obtained input from three agencies and released to plaintiffs the non-exempt documents related to these three agencies. The EPA is still waiting to hear from two remaining agencies and the White House, and anticipates that it will be able to produce the remaining non-exempt documents by the end of next week.

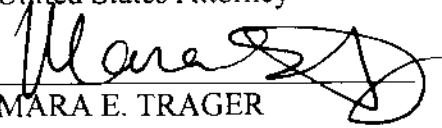
I have reviewed these matters with plaintiffs' counsel, who has graciously consented to these adjournments.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

BY:


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